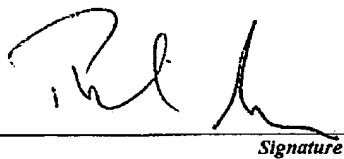


TRANSMITTAL OF APPEAL BRIEF (Large Entity)					Docket No. YOR919980324US2	
In Re Application Of: Stephen M. Gates et al.						
Application No. 10/080,568	Filing Date February 25, 2002	Examiner Phat X. Cao	Customer No. 21254	Group Art Unit 2814	Confirmation No. 9141	
Invention: FORMATION OF ARRAYS OF MICROELECTRONICS ELEMENTS						
<p style="text-align: center;"><u>COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is is the Appeal Brief in this application, with respect to the Notice of Appeal filed on March 15, 2005</p> <p>The fee for filing this Appeal Brief is: \$500.00 <i>(Previously Paid)</i></p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0510 <i>(Deficiencies Only)</i></p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"><div style="width: 40%;"> _____ <i>Signature</i></div><div style="width: 40%; text-align: right;"><p>Dated: <i>8/15/05</i></p></div></div> <div style="margin-top: 20px;">Phillip E. Miller McGinn & Gibb, PLLC 8321 Old Courthouse Road, Suite 200 Vienna, VA 22182-3817 703-761-4100 Customer No. 21254</div> <div style="border: 1px solid black; padding: 5px; margin-top: 20px; width: fit-content;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</p><p>_____ (Date)</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div> <div style="margin-top: 20px;">CC:</div>						

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1

10/080,568
YOR919980324US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of**

Stephen M. Gates, et al.

Serial No.: 10/080,568 **Group Art Unit:** 2814

Filed: February 25, 2002 **Examiner:** Phat X. Cao

For: FORMATION OF ARRAYS OF MICROELECTRONICS ELEMENTS

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

APPELLANT'S SECOND BRIEF ON APPEAL

Sir:

Appellant respectfully files this Second Appeal Brief in response to the Notice of Non-compliant Appeal Brief dated July 14, 2005 in which the Examiner alleged that the Appeal Brief filed on May 16, 2005 is defective.

Appellant respectfully appeals the final rejection of claims 11-18, 26-31, 33-43 in the Office Action dated December 15, 2004. A Notice of Appeal was filed herein on March 15, 2005.

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines Corporation, assignee of 100% interest of the above-referenced patent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, Appellant's legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 11-18, 26-31, 33-43 are all the claims presently pending in the application and

10/080,568
YOR919980324US2

are set forth fully in the attached Appendix.

Claims 11-12, 18, 26, 28, 33, 36, 38-41 and 43 stand rejected under 35 U.S.C. § 102(e) being allegedly anticipated by Lee et al. (U.S. Patent No. 5,895,947). Claims 11-12, 15-16, 18, 26, 28-29, 33-35 and 36-43 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Durlam, et al. (U.S. Patent No. 5,940,319) and Lee. Claims 13-14, 17, 27 and 30-31 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Durlam and Lee and further in view of Bronner et al. (U. S. Patent No. 6,242,770).

Appellant respectfully appeals these rejections.

IV STATEMENT OF AFTER-FINAL AMENDMENTS

Appellant notes that an Amendment which canceled claim 36 and incorporated the subject matter of claim 36 verbatim into independent claims 11, 26 and 38 was filed on February 28, 2005. However, in an Advisory Action dated March 17, 2005, the Examiner stated that he refused to enter the Amendment because the proposed amendments "raise new issues that would require further consideration and/or search".

Appellant respectfully submits that the Amendment filed herein on February 28, 2005 clearly does not "raise new issues" as alleged by the Examiner. Therefore, on May 13, 2005, Appellant filed a Second After-Final Amendment which was substantially the same as the February 28th Amendment, to request that the Examiner reconsider his unreasonable refusal of entering the February 28th Amendment, and on May 16, 2005, Appellant filed an Appeal Brief presuming entry of the May 13, 2005 Amendment;

In a Notice of Non-Compliant Appeal Brief dated July 14, 2005, the Examiner again refused to enter the After-Final Amendment filed on February 28, 2005 and the Second After-Final Amendment filed on May 13, 2005.

This Second Appeal Brief is filed in response to the Notice of Non-Compliant Appeal Brief dated July 14, 2005, and is filed concurrently with the filing of a Petition Under 37 CFR 1.181 for Withdrawal of Notice of Defective Appeal Brief, Entry of After Final Amendment and for an Examiner's Answer to Force Entry of the Amendment filed on January 25, 2005 (or the Amendment filed on April 21, 2005).

Appellant notes that the pending claims are included in the Appendix attached hereto

10/080,568
YOR919980324US2

V. SUMMARY OF THE INVENTION

The claimed invention (e.g., as recited in **independent claim 11**), is directed an array of microelectronic elements which includes a substrate of semiconductor material, a lower layer of dielectric material disposed with a lower surface in contact with the substrate and an upper surface in spaced adjacency thereto, a pattern of mutually electrically isolated conductive regions disposed within the lower layer of dielectric material, the conducting regions extending to the upper surface of the lower layer, an upper layer of dielectric material disposed with and bonded to the upper surface of the lower layer, and a plurality of nodes of semiconductor material disposed within the upper layer of dielectric material, each of the nodes being in electrical contact with only one of the conducting regions at the upper surface of the lower layer.

Importantly, each conducting region includes a metal conductor, and a via which is filled with a diffusion barrier material, the diffusion barrier material extending between the metal conductor and a node in said plurality of nodes and electrically connecting the metal conductor with the node.

Another aspect of the claimed invention (e.g., as recited in **independent claim 26**) is directed to a microelectronic element array including a semiconductor substrate, a first dielectric layer formed on the substrate, a plurality of electrically isolated conductive regions disposed within the first dielectric layer. Each conductive region includes a metal conductor, and a conductive via which is filled with a diffusion barrier material formed on the metal conductor. The array further includes a second dielectric layer having a lower surface which is bonded to an upper surface of the first dielectric layer, and a plurality of semiconductor nodes formed in the second dielectric layer, each semiconductor node contacting the conductive via and being electrically connected to the metal conductor by the conductive via. Further, the diffusion barrier material extends between the metal conductor and a node in the plurality of nodes.

Another aspect of the claimed invention (e.g., as recited in **independent claim 38**) is directed to a microelectronic element array including a first dielectric layer formed on a substrate, and at least one electrically isolated conductive region formed in the first dielectric

10/080,568

YOR919980324US2

layer. The at least one conductive region includes a metal conductor, and a conductive via which is filled with a diffusion barrier material formed on the metal conductor. The array also includes a second dielectric layer which is bonded to the first dielectric layer, and at least one semiconductor node formed in the second dielectric layer, the at least one semiconductor node being formed on and contacting the at least one conductive region. The diffusion barrier material extends between the metal conductor and the at least one semiconductor node and electrically connects the metal conductor to the at least one semiconductor node.

Conventional devices typically form a semiconductor node (e.g., a silicon diode) directly on an aluminum or copper metal conductor (e.g., a word line). **For example, this is clearly shown in Figure 17 of the Durlam reference, which shows a diode 93 formed on a metal conductor 82 which is formed of Al or Cu.**

However, such devices such as that shown in Figure 17 of Durlam suffer severe problems. Namely, **the metal conductor reacts with the semiconductor node, thereby making the devices unreliable.**

To address this problem, the metal conductor (e.g., word line) may be made from a refractory metal. However, such refractory metal word lines have a high resistance, such that only small arrays of memory elements can be made (Application at page 8, lines 10-13).

The claimed invention, on the other hand, includes a via formed on the metal conductor and filled with a diffusion barrier material which extends between the metal conductor and a node in the plurality of nodes and electrically connects the metal conductor with the node (Application at Figure 5B; page 8, lines 3-15). The diffusion barrier material keeps the conductive region from reacting with the semiconductor material in the node. Therefore, the word lines can be formed of a low resistance metal such as copper and aluminum, for improved performance.

VI. GROUNDS OF REJECTION TO BE REVIEWED

The grounds of rejection to be reviewed by the Board of Patent Appeals and Interferences include:

- 1) rejection of claims 11-12, 18, 26, 28, 33, 36, 38-41 and 43 under 35 U.S.C. § 102(e) being allegedly anticipated by Lee et al. (U.S. Patent No. 5,895,947);

10/080,568
YOR919980324US2

2) rejection of claims 11-12, 15-16, 18, 26, 28-29, 33-35 and 36-43 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Durlam, et al. (U.S. Patent No. 5,940,319) and Lee; and

3) rejection of claims 13-14, 17, 27 and 30-31 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Durlam and Lee and further in view of Bronner et al. (U. S. Patent No. 6,242,770).

VIII. ARGUMENT

A. The Rejection of claims 11-12, 18, 26, 28, 33, 36, 38-41 and 43 under 35 U.S.C. § 102(e) being allegedly anticipated by Lee et al. (U.S. Patent No. 5,895,947)

As set forth on pages 2-3 of the Office Action dated December 15, 2004, the Examiner rejected claims 11-12, 18, 26, 28, 33, 36, 38-41 and 43 under 35 U.S.C. § 102(e) over Lee, stating:

"Regarding claims 11-12, 18, 26, 28, 33, 38, 40 and 43, Lee (Fig. 8) discloses an Array of microelectronic elements comprising: a substrate 100 of semiconductor material (column 4, lines 54-56); a lower layer 110/120/130/134 of dielectric material disposed with a lower surface in contact with the substrate 100 and an upper surface in spaced adjacent thereto; a pattern of mutually electrically isolated conducting regions disposed within the lower layer 110/120/130/134 of dielectric material (column 5, lines 22-36), the conducting regions extending to the upper surface of the lower layer; an upper layer of dielectric material 30 (not shown in Fig. 8. see Fig. 1 and column 6, lines 10-18) disposed with a lower surface thereof in contact with and bonded to the upper surface of the lower layer; and a plurality of capacitor nodes 142 made of polysilicon semiconductor material (column 5, lines 58-63) disposed within the upper layer of dielectric material 30 (also see Fig. 1), each of the nodes 142 being in electrical contact with only one of the conducting regions at the upper surface of the lower layer, wherein each conducting region comprises: a metal conductor (not labeled, see a first level interconnect wiring layer formed in a dielectric film 110 and column 2, lines 3-5); and a via e1 (not labeled in Fig. 8, see Fig. 6) which is filled with a TiN or W material (column

10/080,568
YOR919980324US2

5, lines 22-30), the TiN or W material e1 extending between the metal conductor and a node 142 in the plurality of nodes and electrically connecting the metal conductor with the node 142 of capacitor semiconductor device. It is noted that the via filed with TiN or W material of Lee would inherently function as diffusion barrier because it is filed with the same diffusion barrier material as claimed (i.e., TiN, W).

Regarding claim 36, Lee (Fig. 8) further discloses a bonding promoting layer 134 formed on the lower layer of dielectric material, the bonding promoting layer 134 bonding the lower surface of the upper layer 30 of dielectric material to the upper surface of the lower layer 110/120/130.

Regarding claims 39 and 41, Lee (Fig. 8) further discloses that the via e1 comprises an area which is less than an area of the metal conductor, and the node 142 which is electrically connected to the metal conductor is aligned with the via e1 and the metal conductor."

1. Independent claim 11

Independent claim 11 recites:

"An array of microelectronic elements comprising:

a substrate of semiconductor material;

a lower layer of dielectric material disposed with a lower surface in contact with said substrate and an upper surface in spaced adjacency thereto;

a pattern of mutually electrically isolated conducting regions disposed within said lower layer of dielectric material, said conducting regions extending to said upper surface of said lower layer;

an upper layer of dielectric material disposed with a lower surface thereof in contact with and bonded to said upper surface of said lower layer; and

a plurality of nodes of semiconductor material disposed within said upper layer of dielectric material, each of said nodes being in electrical contact with only one of said conducting regions at said upper surface of said lower layer,

wherein each conducting region comprises:

a metal conductor; and

10/080,568
YOR919980324US2

a via which is filled with a diffusion barrier material, said diffusion barrier material extending between said metal conductor and a node in said plurality of nodes and electrically connecting said metal conductor with said node. (emphasis added)

Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law.

Specifically, Appellant submits that there are elements of the claimed invention that are neither taught or suggested by Lee.

Lee discloses a process of fabricating a memory device which is intended to be simple and reduce a step height between the cell array region and the peripheral circuit region (Lee at col. 4, lines 12-16).

Contrary to the Examiner's allegations, Lee does not teach or suggest a pattern of mutually electrically isolated conducting regions disposed within a lower layer of dielectric material, the conducting regions extending to the upper surface of the lower layer and including *"a via which is filled with a diffusion barrier material, said diffusion barrier material extending between said metal conductor and a node in said plurality of nodes and electrically connecting said metal conductor with said node"*, as recited, for example, in claim 11 and similarly recited in claims 26 and 38.

As noted above, unlike conventional devices, the claimed invention forms, in a lower dielectric layer, a via on a metal conductor which is filled with a diffusion barrier material, and forms, in an upper dielectric layer, a plurality of nodes (e.g., Application at page 8, lines 3-16; Figure 5B).

Clearly, Lee does not teach or suggest these novel features. Indeed, the Examiner surprisingly attempts to equate the plug e1 with the conductive via of the claimed invention. The Examiner is clearly incorrect.

Indeed, in the claimed invention, the via includes barrier material that extends between a metal conductor and a node formed in the upper layer of dielectric. For example, as illustrated in Figure 5B, the barrier material 13 in the via extends from the metal wire 15 to the semiconductor node. Nowhere is this taught or suggested by Lee.

Indeed, the Examiner does not even identify where this feature is disclosed in Lee.

10/080,568
YOR919980324US2

Instead, the Examiner cannot even identify where the metal conductors of the claimed invention are disclosed in Lee. The Examiner alleges that such metal conductors are disclosed at col. 2, lines 3-5, but nowhere does this passage, or anywhere else in Lee, teach or suggest such metal conductors formed in a first dielectric layers.

Moreover, Lee certainly does not teach or suggest that the plug e1 is formed on such a metal conductor. Instead, **Lee merely teaches that the plug e1 is formed on an active region of the semiconductor substrate 100.**

Further, Lee does not teach or suggest "an upper layer of dielectric material disposed with a lower surface thereof in contact with and bonded to said upper surface of said lower layer" as recited in claim 11. Indeed, Lee **does not even disclose any bonding process but merely teaches depositing layer on top of layer, and so on** (e.g., see Figures 2-8 of Lee).

Appellant would point out that the phrase "bonded to" (which is recited in each of the independent claims 11, 26 and 38) is important in the claimed invention. Indeed, the Application states that the claimed invention may make use of a fabricating process known as the Smart-CutR (Application at page 11, lines 1-18). In this process, a first wafer may be processed to include patterned structures, and a second wafer may be processed to include patterned structures, then the two wafers may be bonded together (Application at page 12, lines 14-17). For example, **the device illustrated in Figure 3 includes the wafer of Figure 1 bonded to the wafer of Figure 2.**

Thus, a very important feature of the claimed invention is that it includes **an upper layer of dielectric material disposed with a lower surface thereof in contact with and bonded to said upper surface of the lower layer.** However, the Examiner surprisingly gives no weight to this limitation. Clearly the Examiner is being unreasonable. Indeed, Appellant submits that the Examiner cannot merely read such a limitation out to the claims on a whim.

Indeed, Appellant would point out that nowhere does Lee teach or suggest that layer 140 is bonded to layer 130. In fact, Lee only teaches that the layer 140 is "formed by forming an insulating film such as an oxide film on the entire surface of the resultant structure ... and removing the insulating film by etching the insulating film in the cell array region using the second capping layer 134 as an etch stop layer" (Lee at col. 5, lines 49-56). That is, Lee certainly does not teach that layer 140 is **bonded** to layer 130. Thus, Lee is completely

10/080,568

YOR919980324US2

unrelated to the claimed invention.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 11.

Therefore, the Board is respectfully requested to withdraw this rejection.

2. Independent Claim 26

Independent claim 26 recites:

"A microelectronic element array comprising:

a semiconductor substrate;

a first dielectric layer formed on said substrate;

a plurality of electrically isolated conductive regions disposed within said first dielectric layer, each conductive region comprising:

a metal conductor; and

a conductive via which is filled with a diffusion barrier material formed on said metal conductor;

a second dielectric layer having a lower surface which is bonded to an upper surface of said first dielectric layer; and

a plurality of semiconductor nodes formed in said second dielectric layer, each semiconductor node contacting said conductive via and being electrically connected to said metal conductor by said conductive via,

wherein said diffusion barrier material extends between said metal conductor and a node in said plurality of nodes."(emphasis added)

Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, Lee does not teach or suggest "a conductive via which is filled with a diffusion barrier material formed on said metal conductor" or "a second dielectric layer having a lower surface which is bonded to an upper surface of said first dielectric layer" as recited in claim 26.

Appellant notes that these features are similar to the features discussed above with respect to claim 11. Therefore, Appellant's arguments made above with respect to claim 11 are incorporated by reference herein.

10

10/080,568
YOR919980324US2

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 26.

Therefore, the Board is respectfully requested to withdraw this rejection.

3. Independent claim 38

Independent claim 38 recites:

*" A microelectronic element array comprising:
a first dielectric layer formed on a substrate;
at least one electrically isolated conductive region formed in said first dielectric layer, said at least one conductive region comprising:
a metal conductor; and
a conductive via which is filled with a diffusion barrier material formed on said metal conductor;
a second dielectric layer which is bonded to said first dielectric layer; and
at least one semiconductor node formed in said second dielectric layer, said at least one semiconductor node being formed on and contacting said at least one conductive region,
wherein said diffusion barrier material extends between said metal conductor and said at least one semiconductor node and electrically connects said metal conductor to said at least one semiconductor node." (emphasis added)*

Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, Lee does not teach or suggest "a conductive via which is filled with a diffusion barrier material formed on said metal conductor" or "a second dielectric layer which is **bonded to said first dielectric layer**" as recited in claim 38.

Appellant notes that these features are similar to the features discussed above with respect to claim 11. Therefore, Appellant's arguments made above with respect to claim 11 are incorporated by reference herein.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 26.

Therefore, the Board is respectfully requested to withdraw this rejection.

11

10/080,568
YOR919980324US2

4. Dependent Claim 12

Claim 12 depends from claim 11 and further recites "*wherein each of said nodes comprises a semiconductor device*". This feature is discussed in the present Application at page 7, lines 8-10.

The Examiner asserts that this feature is disclosed in Lee at col. 5, lines 58-63.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 12. Therefore, the Board is respectfully requested to withdraw this rejection.

5. Dependent Claim 18

Claim 18 depends from claim 11 and further recites "*wherein said electrically conducting material comprises at least one of W, Ti, and Ta*". This feature is discussed in the present Application at page 8, lines 3-7.

The Examiner asserts that this feature is disclosed in Lee at col. 5, lines 22-30.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 18. Therefore, the Board is respectfully requested to withdraw this rejection.

6. Dependent Claim 28

Claim 28 depends from claim 26 and further recites "*wherein each conductive region extends from said substrate to said upper surface of said first dielectric layer*". This feature is discussed in the present Application at page 7, lines 3-7; Figure 5B.

The Examiner asserts that this feature is disclosed in Lee at col. 5, lines 22-30.

However, Appellant respectfully submits that the Examiner's position is flawed as a

12

10/080,568
YOR919980324US2

matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 28. Therefore, the Board is respectfully requested to withdraw this rejection.

7. Dependent Claim 33

Claim 33 depends from claim 26 and further recites "*wherein said via includes therein at least one of W, Ti, and Ta*". This feature is discussed in the present Application at page 12, lines 1-5.

The Examiner asserts that this feature is disclosed in Lee at col. 5, lines 22-30.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 33. Therefore, the Board is respectfully requested to withdraw this rejection.

8. Dependent Claim 36

Claim 36 depends from claim 11 and further recites "*a bonding promoting layer formed on said lower layer of dielectric material, said bonding promoting layer bonding said lower surface of said upper layer of dielectric material to said upper surface of said lower layer*". Contrary to the Examiner's allegations, Lee does not teach or suggest this feature which is similarly recited in claims 26 and 38.

Indeed, unlike conventional devices, the claimed invention forms, in a lower dielectric layer, a via on a metal conductor which is filled with a diffusion barrier material, and forms, in an upper dielectric layer, a plurality of nodes (e.g., Application at page 8, lines 3-16; Figure 5B). Further, a bonding promoting layer may be formed on the lower dielectric layer, the bonding promoting layer bonding the upper dielectric layer to the lower dielectric layer (Application at page 13, lines 9-12).

13

10/080,568
YOR919980324US2

In particular, the bonding promoting layer may help to promote bonding between the first dielectric layer and the second dielectric layer, when the inventive array is formed using a bonding process such as the SmartCutR process (Application at page 11, lines 1-18).

Clearly, Lee does not teach or suggest these novel features. Indeed, Lee **does not even disclose any bonding process but merely teaches depositing layer on top of layer, and so on** (e.g., see Figures 2-8 of Lee). Certainly, Lee does not teach or suggest a bonding promoting layer which bonds first and second dielectric layers.

Indeed, the Examiner attempts to equate the second capping layer 134 with the bonding promoting layer of the claimed invention. However, this is completely unreasonable.

In fact, Lee teaches that the second capping layer is made of Si_3N_4 (Lee at col. 5, lines 8-10). Further, the capping layer 134 is formed between the oxide film 130 and the dielectric film 140. Importantly, nowhere does Lee teach or suggest that the layer 134 may include some form of "bonding promotion characteristic". In fact, Lee provides no support for the Examiner's statement that the layer 134 is a bonding promoting layer. Indeed, **the Examiner appears to have simply fabricated this characteristic out of thin air, on a whim, in a desperate attempt to support his allegations.**

Moreover, Appellant would point out that nowhere does Lee teach or suggest that layer 140 is bonded to layer 130. In fact, Lee only teaches that the layer 140 is "formed by forming an insulating film such as an oxide film on the entire surface of the resultant structure ... and removing the insulating film by etching the insulating film in the cell array region using the second capping layer 134 as an etch stop layer" (Lee at col. 5, lines 49-56). That is, Lee certainly does not teach that layer 140 is bonded to layer 130. Therefore, **clearly there is no need for a "bonding promoting layer" as unreasonably suggested by the Examiner.**

Further, Appellant would point out that by definition, a bonding promoting layer is a layer that promotes bonding. The term "promote" may be defined as "to contribute to the growth or prosperity of" (*Webster's Universal Encyclopedic Dictionary*, Barnes and Noble Books (2002), p. 1464). Appellant respectfully submits that **the layer 134 in Lee is not intended to promote and, in fact, does not promote the bonding of layers 130 and 140.** Indeed, there is no reason to suggest that the bond between layers 130 and 140 is any stronger

14

10/080,568

YOR919980324US2

because of layer 134, than if layer 134 was omitted entirely.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 36. Therefore, the Board is respectfully requested to withdraw this rejection.

9. Dependent Claim 39

Claim 39 depends from claim 11 and further recites "*wherein said via comprises an area which is less than an area of said metal conductor*". This feature is discussed in the present Application at page 8, lines 3-15; Figure 5B.

The Examiner asserts that this feature is disclosed in Lee at Figure 8.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 39. Therefore, the Board is respectfully requested to withdraw this rejection.

10. Dependent Claim 40

Claim 40 depends from claim 11 and further recites "*wherein said diffusion barrier material comprises one of TiN, TaN and a TaSiN ternary alloy*". This feature is discussed in the present Application at page 8, lines 3-15.

The Examiner asserts that this feature is disclosed in Lee at col. 5, lines 22-30.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 40. Therefore, the Board is respectfully requested to withdraw this rejection.

15

10/080,568
YOR919980324US2

11. Dependent Claim 41

Claim 41 depends from claim 11 and further recites "*wherein said node which is electrically connected to said metal conductor is aligned with said via and said metal conductor*". This feature is discussed in the present Application at Figure 5B.

The Examiner asserts that this feature is disclosed in Lee at Figure 8.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 41. Therefore, the Board is respectfully requested to withdraw this rejection.

12. Dependent Claim 43

Claim 43 depends from claim 11 and further recites "*wherein said metal conductor and said semiconductor material in said node are separated by said diffusion barrier material*". This feature is discussed in the present Application at page 8, lines 3-15.

The Examiner does not specify where Lee allegedly discloses this feature.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 43. Therefore, the Board is respectfully requested to withdraw this rejection.

B. The rejection of claims 11-12, 15-16, 18, 26, 28-29, 33-35 and 36-43 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Durlam, et al. (U.S. Patent No. 5,940,319) and Lee

The Examiner rejected claims 11-12, 15-16, 18, 26, 28-29, 33-35, and 36-43 under 35 U.S.C. 103(a) as being unpatentable over Durlam et al (US. 5,940,319) in view of Lee et al (US. 5,895,947), stating:

10/080,568
YOR919980324US2

"With respect to claims 11-12, 18, 26, 28-29, 33, 35, 38, and 40-43, Durlam's first embodiment (Figs. 5-8) discloses an array of microelectronic elements comprising: a substrate of semiconductor material 11; a lower layer of dielectric material (12a,21,25) disposed with a lower surface in contact with the substrate and an upper surface in spaced adjacency thereto; a pattern of mutually electrically isolated conducting regions (19a,37) and (19b,38) (Fig. 5) disposed within the lower layer of dielectric material, the conducting regions extending to the upper surface of the lower layer, an upper layer of dielectric material 51 disposed with a lower surface thereof in contact with and bonded to the upper surface of the lower layer; and a plurality of nodes (43,45) and (44,46) comprising MTJs 43 and 44 and disposed within the upper layer of dielectric material, each of the nodes being in electrical contact with only one of the conducting regions at the upper surface of the lower layer, wherein each conducting region comprises: a metal conductor 19a and a via 37 formed on the metal conductor 19a, the via 37 extending between the metal conductor 19a and a node in the plurality of nodes and electrically connecting the metal conductor 19a with the node.

Durlam's first embodiment does not disclose the plurality of nodes including semiconductor diodes. However, Durlam further teaches a second embodiment of MRAM (Fig. 17) having a plurality of nodes, which include diodes 93 and 95 in contact with the conducting regions 82 at the upper surface of the lower layer. Accordingly, it would have been obvious to modify the first embodiment by forming the plurality of nodes with the structure as suggested by the second embodiment for the purpose of switching a magnetic memory element to read information in the magnetic memory element (column 6, lines 26-30).

Neither Durlam's first embodiment nor Durlam's second embodiment discloses the via is filled with the refractory diffusion barrier material. However, Lee (Fig. 8) teaches the forming of a plurality of conducting regions, each conducting region comprises: a metal conductor and a via e1 (see Fig. 6) which is filled with a diffusion barrier material of TiN or W (column 5, lines 22-30), the diffusion barrier material e1 contacting capacitor semiconductor node 142 of polysilicon (column 5, lines 58-63) and extending between the metal conductor and the node 142. Accordingly, it would have

10/080,568

YOR919980324US2

been obvious to further modify Durlam's device by filling the via 37 with the refractory diffusion barrier material because as taught by Lee, such material would provide excellent filling properties (column 5, lines 25-27) and would reduce the contact resistance between the via and the semiconductor node (column 6, lines 33-41).

With respect to claim 16, Durlam (Fig. 8) further discloses that the device comprises a field effect transistor 12a, a first insulating layer 54 is disposed over an upper surface of the upper layer, and a second insulating layer 33 is formed over the upper surface of the lower layer.

Regarding claim 15, it would have been obvious to form the semiconductor node of Durlam as a field effect transistor because it is an intended use depending upon the application, which is desired for the semiconductor node of Durlam.

Regarding claim 34, Durlam (Fig. 8) also discloses that each of the conductive region further comprises a metal layer 31 (or 24) in electrical contact with the via, the metal layer 31 (or 24) being formed of nickel-iron (column 3, lines 28-30) which is different than the aluminum/copper material of the via 37.

Regarding claims 36-37, Durlam's Fig. 7 further discloses a bonding promoting layer 33 of dielectric material formed on the lower layer 25 of dielectric material, the bonding promoting layer 33 bonding the lower surface of the upper layer 51 of dielectric material to the upper surface of the lower layer 33. As taught by Durlam, the bonding promoting layer 33 is placed between the lower layer 25 and the upper layer 51 to provide electrical isolation between the conductor layers (column 3, lines 60-64). Therefore, it would have been obvious to form the dielectric layer 33 as a glass layer because the glass layer would also provide the electrical isolation between the conductor layers. It is noted that the process limitation (softening temperature in a range of 400 degrees C to 500 degrees c) would not carry patentable weight in a claim drawn to structure because distinct structure is not necessarily produced. In re Thorpe, 227 USPQ 964 (Fed. Cir. 1985). (emphasis added)

Regarding claim 39, Lee (Fig. 8) also teaches the via e1 comprising an area which is less than an area of the metal conductor formed below.

10/080,568
YOR919980324US2

1. Independent claim 11

Independent claim 11 recites:

"An array of microelectronic elements comprising:

a substrate of semiconductor material;

a lower layer of dielectric material disposed with a lower surface in contact with said substrate and an upper surface in spaced adjacency thereto;

a pattern of mutually electrically isolated conducting regions disposed within said lower layer of dielectric material, said conducting regions extending to said upper surface of said lower layer;

an upper layer of dielectric material disposed with a lower surface thereof in contact with and bonded to said upper surface of said lower layer; and

a plurality of nodes of semiconductor material disposed within said upper layer of dielectric material, each of said nodes being in electrical contact with only one of said conducting regions at said upper surface of said lower layer,

wherein each conducting region comprises:

a metal conductor; and

a via which is filled with a diffusion barrier material, said diffusion barrier material extending between said metal conductor and a node in said plurality of nodes and electrically connecting said metal conductor with said node." (emphasis added)

Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law.

Durlam discloses a magnetic random access memory (MRAM) which includes magnetic memory elements. A digit line and bit line are placed under and on top of the memory element. The lines are enclosed by a high permeability layer excluding a surface facing the memory element, which shields and focuses a magnetic field toward the memory element (Durlam at Abstract).

Appellant submits that these references would not have been combined as alleged by the Examiner. Indeed, these references are directed to different matters. Specifically, the Durlam device is merely intended to prevent a magnetic memory element from thermal

10/080,568
YOR919980324US2

degradation during fabrication (Durlam at col. 1, lines 61-64), whereas Lee is directed to a process which can reduce a step height between the cell array region and the peripheral circuit region (Lee at col. 4, lines 12-16). Clearly, no person of ordinary skill in the art would have considered combining these references.

Further, Appellant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, these references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the references as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Appellant notes that the Examiner attempts to rely on Figure 17 in Durlam to support his position. However, Appellant would respectfully submit that it is absolutely unreasonable for the Examiner to attempt to rely on Figure 17 in Durlam as somehow teaching the claimed invention, when Figure 17 expressly teaches one of the very problems (e.g., reaction between an Al/Cu layer and a semiconductor) which the claimed invention was intended to solve.

Indeed, an important point for the Examiner to consider is that Durlam specifically teaches that it is desirable to form a semiconductor directly in contact with the metal conductor. That is, Durlam teaches away from the claimed invention.

Moreover, neither Durlam, nor Lee, nor any alleged combination thereof, teaches or suggests *"a via which is filled with a diffusion barrier material, said diffusion barrier material extending between said metal conductor and a node in said plurality of nodes and electrically connecting said metal conductor with said node"*, as recited, for example, in claim 11 and similarly recited in claims 26 and 38.

Clearly, neither Durlam nor Lee teaches or suggests these novel features. Indeed, the Examiner expressly concedes on page 5 of the Office Action that Durlam does not teach this feature, but alleges that Lee teaches this feature. The Examiner is clearly incorrect.

Clearly, Lee does not teach or suggest the via filled with a diffusion barrier material of the claimed invention. Indeed, as noted above, the Examiner surprisingly attempts to equate the plug e1 with the conductive via of the claimed invention. The Examiner is clearly

20

10/080,568
YOR919980324US2

incorrect.

Indeed, in the claimed invention, the via includes barrier material that extends **between a metal conductor and a node** formed in the upper layer of dielectric. For example, as illustrated in Figure 5B, the barrier material 13 in the via extends from the metal wire 15 to the semiconductor node. Nowhere is this taught or suggested by Lee.

Indeed, the Examiner does not even identify where this feature is disclosed in Lee. Instead, the Examiner cannot even identify where the metal conductors of the claimed invention are disclosed in Lee. The Examiner alleges that such metal conductors are disclosed at col. 2, lines 3-5, but nowhere does this passage, or anywhere else in Lee, teach or suggest such metal conductors formed in a first dielectric layers.

Moreover, Lee certainly does not teach or suggest that the plug e1 is formed on such a metal conductor. Instead, **Lee merely teaches that the plug e1 is formed on an active region of the semiconductor substrate 100.**

Further, neither Durlam, nor Lee, nor any combination thereof teaches or suggests "*an upper layer of dielectric material disposed with a lower surface thereof in contact with and bonded to said upper surface of said lower layer*" as recited in claim 11. Indeed, as noted above, Lee **does not even disclose any bonding process but merely teaches depositing layer on top of layer, and so on** (e.g., see Figures 2-8 of Lee).

Appellant would again point out that the phrase "bonded to" (which is recited in each of the independent claims 11, 26 and 38) is important in the claimed invention. Indeed, the Application states that the claimed invention may make use of a fabricating process known as the Smart-CutR (Application at page 11, lines 1-18). In this process, a first wafer may be processed to include patterned structures, and a second wafer may be processed to include patterned structures, then the two wafers may be bonded together (Application at page 12, lines 14-17). For example, **the device illustrated in Figure 3 includes the wafer of Figure 1 bonded to the wafer of Figure 2.**

Thus, a very important feature of the claimed invention is that it includes **an upper layer of dielectric material disposed with a lower surface thereof in contact with and bonded to said upper surface of the lower layer.** However, the Examiner surprisingly gives no weight to this limitation. Clearly the Examiner is being unreasonable. Indeed, Appellant submits

21

10/080,568

YOR919980324US2

that the Examiner cannot merely read such a limitation out to the claims on a whim.

Indeed, Appellant would point out that nowhere does Lee teach or suggest that layer 140 is bonded to layer 130. In fact, Lee only teaches that the layer 140 is "formed by forming an insulating film such as an oxide film on the entire surface of the resultant structure ... and removing the insulating film by etching the insulating film in the cell array region using the second capping layer 134 as an etch stop layer" (Lee at col. 5, lines 49-56). That is, Lee certainly does not teach that layer 140 is **bonded** to layer 130. Thus, Lee is completely unrelated to the claimed invention.

Likewise, Durlam does not teach or suggest this feature. Indeed, like Lee, nowhere does Durlam even discuss bonding one wafer to another such as by a Smart-cutR process. Instead, Durlam merely deposits one layer on top another and so on. Thus, Durlam is completely unrelated to the claimed invention.

Further, the Examiner attempts to equate the dielectric layer 33 with the bonding promoting layer of the claimed invention. However, this is clearly unreasonable.

Indeed, the Examiner recognizes in the Office Action that the dielectric layer 33 "is placed between the lower layer 25 and the upper layer 51 to provide electrical isolation between the conductor layers" (emphasis added). The Examiner goes on to state that since the bonding promoting layer in the claimed invention can include glass, and since glass may provide electrical isolation, that it "would have been obvious to form the dielectric layer 33 as a glass layer because the glass layer would also provide the electrical isolation between the conductor layers" (Office Action at page 6). Appellant respectfully submits that the Examiner's argument here is completely unreasonable.

Indeed, Appellant would point out that the Examiner does not even attempt to allege that the layer 33 is intended to have any type of "bonding promoting" characteristic. Indeed, the layer 33, as the Examiner correctly points out, is merely intended to provide electrical isolation. In fact, nowhere does Durlam teach or suggest that conductor layer 34 is "bonded to" the digit lines 29 and 30, but merely states that the layer 34 is "deposited". Thus, there is no need for a "bonding promoting layer" in Durlam.

Moreover, the Examiner attempts to rely on Figure 17 in Durlam to support his position that Durlam teaches a plurality of nodes of semiconductor material. However, the

10/080,568
YOR919980324US2

Examiner's reliance on Figure 17 in Durlam is completely unreasonable.

In fact, the Application expressly states that claimed invention may be used to overcome a problem in conventional devices such as that shown in Figure 17 of Durlam. Namely, the claimed invention can help to avoid a reaction between **the metal conductor and the semiconductor node (when the conductor and node are in direct contact) which can make devices unreliable** (Application at page 8, lines 3-15).

Further, Appellant would point out that Durlam does not even discuss at least one of the problems (e.g., reaction between a semiconductor node and a metal conductor (e.g., a word line)) which the claimed invention was intended to address.

The Examiner also attempts to rely on Figures 5-8 in Durlam to support his allegations. Specifically, the Examiner attempts to equate the metal conductor 37 in Durlam with the via in the conducting region of the claimed invention (e.g., via 13 in the exemplary embodiment illustrated in Figures 5A-5B of the Application). However, the Examiner is completely incorrect.

In particular, the Examiner relies on col. 3, lines 35-42 to support his allegation that the via includes Ta (e.g., a diffusion barrier material). However, this passage merely refers to Figure 3, stating:

"In order to improve adhesion of field focusing layer 24 and to provide a barrier for Ni or Fe diffusion into the conductor and/or dielectric a layer of Ta or TaN or such materials could be added **between field focusing layer 24 and conductor layer 26**" (Durlam at col. 3, lines 39-42) (emphasis added).

Appellant notes that conductor layer 26 eventually becomes the metal conductor 37 illustrated in Figure 5 in Durlam. Therefore, Durlam merely teaches that a "barrier" may be provided before forming the metal conductor 37. That is, nowhere does this passage or Figure 3 in Durlam teach or suggest that the metal conductor 37 includes barrier material.

It is also important to note that Durlam teaches that the conductor line 45 (which the Examiner attempts to equate with the node in the claimed invention) directly contacts the conductor 37. That is, even assuming that a refractory metal layer is formed beneath the conductor 37, the conductor line 45 still contacts mostly the conductor 37 which

10/080,568
YOR919980324US2

does not include any refractory metal. Thus, this embodiment of Durlam clearly does not teach or suggest the importance of separating a node from an aluminum/copper conductor in order to avoid any interaction between the a node and an aluminum/copper conductor.

Moreover, even if it is assumed (arguendo) that the metal conductor 37 includes a diffusion barrier material, the metal conductor 37 still cannot reasonably be equated with the via of the claimed invention. Indeed, in the claimed invention, the via extends between the metal conductor and a semiconductor node and electrically connects the metal conductor with the semiconductor node. (Application at page 8, lines 3-16; Figure 5B). In fact, the via in the claimed invention may be used to prevent the metal conductor from reacting with a semiconductor node, such as a silicon diode.

Durlam, on the other hand, teaches that the metal conductor 37 is used to "electrically connect plug conductors 19a and 19b to conductor layer 34" (Durlam at col. 3, line 67). That is, the metal conductor 37 electrically connects the plug conductors 19a, 19b to the metal conductor layer 45, as illustrated in Figure 7 (e.g., see Durlam at Abstract). Therefore, **the function of the metal conductor 37 is completely different that the function of the via in the claimed invention.**

For example, in the exemplary embodiment illustrated in Figure 5A, the via includes a diffusion barrier material which extends between the word line 15 and a diode mesa including Si layer 3'. Thus, the via may be used to electrically connect the metal conductor with the semiconductor node.

In fact, the Examiner expressly concedes that the portion of Durlam on which he is relying as disclosing the claimed invention, does not teach or suggest this feature. However, the Examiner **refers to the embodiment of Figure 17 (e.g., a completely unrelated aspect) in Durlam** as allegedly disclosing this feature. That is, Figure 17 in Durlam is completely unrelated to the embodiment in Figure 5 of Durlam.

Moreover, Figure 17 in Durlam teaches forming a semiconductor diode in direct contact with an aluminum/copper conductor. Appellant would respectfully point out that the Application expressly teaches that such a device is not reliable. Indeed, that is one of the problems which the claimed invention is intended to solve.

Further, Figure 17 does not even teach or suggest a "via" as in the claimed invention,

10/080,568
YOR919980324US2

but instead illustrates a diode 95 formed directly on a metal conductor 82. Certainly, Figure 17 does not teach or suggest a via which is filled with a diffusion barrier material extending between a metal conductor and a semiconductor node.

Therefore, contrary to the Examiner's allegations, nowhere does Durlam teach or suggest the conductive via of the claimed invention.

Therefore, Appellant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

Therefore, the Board is respectfully requested to withdraw this rejection.

2. Independent Claim 26

Independent claim 26 recites:

"A microelectronic element array comprising:

a semiconductor substrate;

a first dielectric layer formed on said substrate;

a plurality of electrically isolated conductive regions disposed within said first dielectric layer, each conductive region comprising:

a metal conductor; and

a conductive via which is filled with a diffusion barrier material formed on said metal conductor;

a second dielectric layer having a lower surface which is bonded to an upper surface of said first dielectric layer; and

a plurality of semiconductor nodes formed in said second dielectric layer, each semiconductor node contacting said conductive via and being electrically connected to said metal conductor by said conductive via,

wherein said diffusion barrier material extends between said metal conductor and a node in said plurality of nodes."(emphasis added)

Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law.

25

10/080,568

YOR919980324US2

Specifically, neither Durlam, nor Lee nor any alleged combination teaches or suggests "a conductive via which is filled with a diffusion barrier material formed on said metal conductor" or "a second dielectric layer having a lower surface which is bonded to an upper surface of said first dielectric layer" as recited in claim 26.

Appellant notes that these features are similar to the features discussed above with respect to claim 11. Therefore, Appellant's arguments made above with respect to claim 11 are incorporated by reference herein.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 26.

Therefore, the Board is respectfully requested to withdraw this rejection.

3. Independent claim 38

Independent claim 38 recites:

*"A microelectronic element array comprising:
a first dielectric layer formed on a substrate;
at least one electrically isolated conductive region formed in said first dielectric layer, said at least one conductive region comprising:
a metal conductor; and
a conductive via which is filled with a diffusion barrier material formed on said metal conductor;
a second dielectric layer which is bonded to said first dielectric layer; and
at least one semiconductor node formed in said second dielectric layer, said at least one semiconductor node being formed on and contacting said at least one conductive region,
wherein said diffusion barrier material extends between said metal conductor and said at least one semiconductor node and electrically connects said metal conductor to said at least one semiconductor node."* (emphasis added)

Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law.

Specifically, neither Durlam, nor Lee nor any alleged combination teaches or suggests "a conductive via which is filled with a diffusion barrier material formed on said metal

26

10/080,568
YOR919980324US2

conductor" or "a second dielectric layer which is bonded to said first dielectric layer" as recited in claim 38.

Appellant notes that these features are similar to the features discussed above with respect to claim 11. Therefore, Appellant's arguments made above with respect to claim 11 are incorporated by reference herein.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 38.

Therefore, the Board is respectfully requested to withdraw this rejection.

4. Dependent Claim 12

Claim 12 depends from claim 11 and further recites "*wherein each of said nodes comprises a semiconductor device*". This feature is discussed in the present Application at page 7, lines 8-10.

The Examiner asserts that this feature is disclosed in Durlam at Figure 17.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 12. Therefore, the Board is respectfully requested to withdraw this rejection.

5. Dependent Claim 15

Claim 15 depends from claim 12 and further recites "*wherein said semiconductor device comprises a field effect transistor*". This feature is discussed in the present Application at page 7, lines 8-10.

The Examiner concedes that this feature is not taught or suggested by the cited references but alleges that "it would have been obvious to form the semiconductor node of Durlam as a field effect transistor because it is an intended use depending upon the

27

10/080,568
YOR919980324US2

application".

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 15. Therefore, the Board is respectfully requested to withdraw this rejection.

6. Dependent Claim 16

Claim 16 depends from claim 15 and further recites "*wherein a first insulating layer is disposed over an upper surface of said upper layer and a second insulating layer is formed over said upper surface of said lower layer*". This feature is discussed in the present Application at page 7, lines 13-16.

The Examiner asserts that this feature is disclosed in Durlam at Figure 8.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 16. Therefore, the Board is respectfully requested to withdraw this rejection.

7. Dependent Claim 18

Claim 18 depends from claim 11 and further recites "*wherein said electrically conducting material comprises at least one of W, Ti, and Ta*". This feature is discussed in the present Application at page 8, lines 3-7.

The Examiner asserts that this feature is disclosed in Lee at col. 5, lines 22-30.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or

28

10/080,568
YOR919980324US2

suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 18. Therefore, the Board is respectfully requested to withdraw this rejection.

8. Dependent Claim 28

Claim 28 depends from claim 26 and further recites "*wherein each conductive region extends from said substrate to said upper surface of said first dielectric layer*". This feature is discussed in the present Application at page 9, lines 8-18.

The Examiner asserts that this feature is disclosed in Lee at col. 5, lines 58-63.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 28. Therefore, the Board is respectfully requested to withdraw this rejection.

9. Dependent Claim 29

Claim 29 depends from claim 26 and further recites "*wherein each conductive region further comprises a word line, said via being formed on said word line*". This feature is discussed in the present Application at page 8, lines 3-15.

The Examiner does not expressly state where this feature is taught or suggested by the cited references.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed

29

10/080,568
YOR919980324US2

invention as recited in claim 29. Therefore, the Board is respectfully requested to withdraw this rejection.

10. Dependent Claim 33

Claim 33 depends from claim 26 and further recites "*wherein said via includes therein at least one of W, Ti, and Ta*". This feature is discussed in the present Application at page 8, lines 3-15.

The Examiner asserts that this feature is disclosed in Lee at col. 5, lines 22-30.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 33. Therefore, the Board is respectfully requested to withdraw this rejection.

11. Dependent Claim 34

Claim 34 depends from claim 26 and further recites "*wherein each said conductive region further comprises a metal layer in electrical contact with said via, said metal layer being formed of a different material than said via*". This feature is discussed in the present Application at page 8, lines 3-15.

The Examiner asserts that this feature is disclosed in Durlam at Figure 8 and col. 3, lines 28-30.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 34. Therefore, the Board is respectfully requested to withdraw this rejection.

30

10/080,568
YOR919980324US2

12. Dependent Claim 35

Claim 35 depends from claim 29 and further recites "*wherein said via includes therein a refractory metal and said word line comprises one of copper and aluminum*". This feature is discussed in the present Application at page 8, lines 3-15.

The Examiner asserts that this feature is disclosed in Durlam at col. 3, lines 28-30.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 35. Therefore, the Board is respectfully requested to withdraw this rejection.

13. Dependent Claim 36

Claim 36 depends from claim 11 and further recites "*a bonding promoting layer formed on said lower layer of dielectric material, said bonding promoting layer bonding said lower surface of said upper layer of dielectric material to said upper surface of said lower layer*". Contrary to the Examiner's allegations, neither Durlam nor Lee, nor any combination thereof teaches or suggests this feature which is similarly recited in claims 26 and 38.

Indeed, unlike conventional devices, the claimed invention forms, in a lower dielectric layer, a via on a metal conductor which is filled with a diffusion barrier material, and forms, in an upper dielectric layer, a plurality of nodes (e.g., Application at page 8, lines 3-16; Figure 5B). Further, a bonding promoting layer may be formed on the lower dielectric layer, the bonding promoting layer bonding the upper dielectric layer to the lower dielectric layer (Application at page 13, lines 9-12).

In particular, the bonding promoting layer may help to promote bonding between the first dielectric layer and the second dielectric layer, when the inventive array is formed using a bonding process such as the SmartCutR process (Application at page 11, lines 1-18).

Clearly, neither Durlam nor Lee teaches or suggests these novel features. Indeed, the

10/080,568
YOR919980324US2

Examiner expressly concedes that Durlam does not teach or suggest this feature but alleges that it is taught by Lee. The Examiner is incorrect.

Indeed, as noted above, Lee **does not even disclose any bonding process but merely teaches depositing layer on top of layer, and so on** (e.g., see Figures 2-8 of Lee).

Certainly, Lee does not teach or suggest a bonding promoting layer which bonds first and second dielectric layers.

Indeed, the Examiner attempts to equate the second capping layer 134 with the bonding promoting layer of the claimed invention. However, this is completely unreasonable.

In fact, Lee teaches that the second capping layer is made of Si_3N_4 (Lee at col. 5, lines 8-10). Further, the capping layer 134 is formed between the oxide film 130 and the dielectric film 140. Importantly, nowhere does Lee teach or suggest that the layer 134 may include some form of "bonding promotion characteristic". In fact, Lee provides no support for the Examiner's statement that the layer 134 is a bonding promoting layer. Indeed, **the Examiner appears to have simply fabricated this characteristic out of thin air, on a whim, in a desperate attempt to support his allegations.**

Moreover, Appellant would point out that nowhere does Lee teach or suggest that layer 140 is bonded to layer 130. In fact, Lee only teaches that the layer 140 is "formed by forming an insulating film such as an oxide film on the entire surface of the resultant structure ... and removing the insulating film by etching the insulating film in the cell array region using the second capping layer 134 as an etch stop layer" (Lee at col. 5, lines 49-56). That is, Lee certainly does not teach that layer 140 is bonded to layer 130. Therefore, **clearly there is no need for a "bonding promoting layer" as unreasonably suggested by the Examiner.**

Further, Appellant would point out that by definition, a bonding promoting layer is a layer that promotes bonding. The term "promote" may be defined as "to contribute to the growth or prosperity of" (*Webster's Universal Encyclopedic Dictionary*, Barnes and Noble Books (2002), p. 1464). Appellant respectfully submits that **the layer 134 in Lee is not intended to promote and, in fact, does not promote the bonding of layers 130 and 140.** Indeed, there is no reason to suggest that the bond between layers 130 and 140 is any stronger because of layer 134, than if layer 134 was omitted entirely.

32

10/080,568
YOR919980324US2

Therefore, Appellant respectfully submits that neither Durlam, nor Lee, nor any combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 36. Therefore, the Board is respectfully requested to withdraw this rejection.

14. Dependent Claim 37

Claim 37 depends from claim 36 and further recites "*wherein said bonding promoting layer comprises a glass layer having a softening temperature in a range of 400°C to 500°C*". This feature is discussed in the present Application at page 13, lines 9-12.

The Examiner asserts that this feature is disclosed in Durlam at col. 3, lines 60-64.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 37. Therefore, the Board is respectfully requested to withdraw this rejection.

15. Dependent Claim 39

Claim 39 depends from claim 11 and further recites "*wherein said via comprises an area which is less than an area of said metal conductor*". This feature is discussed in the present Application at page 8, lines 3-15; Figure 5B.

The Examiner asserts that this feature is disclosed in Lee at Figure 8.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does Durlam or Lee teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 37. Therefore, the Board is respectfully requested to withdraw this rejection.

33

10/080,568
YOR919980324US2

16. Dependent Claim 40

Claim 40 depends from claim 11 and further recites "*wherein said diffusion barrier material comprises one of TiN, TaN and a TaSiN ternary alloy*". This feature is discussed in the present Application at page 8, lines 3-15.

The Examiner asserts that this feature is disclosed in Lee at col. 5, lines 22-30.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 40. Therefore, the Board is respectfully requested to withdraw this rejection.

17. Dependent Claim 41

Claim 41 depends from claim 11 and further recites "*wherein said node which is electrically connected to said metal conductor is aligned with said via and said metal conductor*". This feature is discussed in the present Application at Figure 5B.

The Examiner asserts that this feature is disclosed in Lee at Figure 8.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 41. Therefore, the Board is respectfully requested to withdraw this rejection.

18. Dependent Claim 42

Claim 42 depends from claim 11 and further recites "*wherein said node comprises a semiconductor diode*". This feature is discussed in the present Application at Figure 5B.

The Examiner asserts that this feature is disclosed in Lee at Figure 8.

34

10/080,568
YOR919980324US2

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 42. Therefore, the Board is respectfully requested to withdraw this rejection.

19. Dependent Claim 43

Claim 43 depends from claim 11 and further recites "*wherein said metal conductor and said semiconductor material in said node are separated by said diffusion barrier material*". This feature is discussed in the present Application at page 8, lines 3-15.

The Examiner does not specify where Lee allegedly discloses this feature.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that neither Durlam, nor Lee nor any alleged combination thereof teaches or suggests each and every element of the claimed invention as recited in claim 43. Therefore, the Board is respectfully requested to withdraw this rejection.

C. The Rejection of claims 13-14, 17, 27 and 30-31 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Durlam and Lee and further in view of Bronner et al. (U. S. Patent No. 6,242,770)

The Examiner rejects claims 13-14, 17, 27, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durlam et al and Lee et al as applied to claims 11 and 26 above, and further in view of Bronner et al (US. 6,242,770), stating:

"Durlam does not disclose that diodes are single crystal Si diodes.

However, it would have been obvious to form Durlam's diodes as single crystal Si diodes because according to Bronner, such single crystal Si diodes (column 9, lines 63-

35

10/080,568
YOR919980324US2

65) would provide high conductivity, high rectification and low total resistance (column 3, lines 1-4)."

In addition, the Examiner responded to Appellant's arguments in the Amendment filed on September 30, 2004, stating:

"In the amendment filed 9/30/04, the scopes of base claims are changed and narrower by deleting "comprising" and inserting "which is filled with". Therefore, the new ground of rejection is applied.

Applicant argues that "Durlam clearly does not teach or suggest the importance of forming a diffusion barrier between a metal conductor and a semiconductor node," as amended.

This argument is not persuasive because the new reference issued to Lee et al (US. 5,895,947) clearly teaches the obviousness of forming a conducting region comprising: a via el filled with a diffusion barrier material and disposed between a metal conductor and a semiconductor node 142 of polysilicon (see Fig. 8). The via filled with the diffusion barrier material would provide excellent filling properties (column 5, lines 25-27) and reducing the contact resistance between the via and the semiconductor node (column 6, lines 33-41).

Applicant asserts that Applicant surprises because the examiner relies on the teaching disclosed in figure 5 and the teaching disclosed in figure 17 of Durlam for the combination. According to Applicant, the embodiment "disclosed in Figure 17 of Durlam which is completely unrelated to the embodiment in Figure 5 of Durlam."

The examiner recognizes that one skilled in the art would not be surprised by the combination between these two embodiments because they are completely related to magnetic random access memory structure (MRAM), and because the motivation for the combination of these embodiments is clearly suggested (see ground of rejection for details).

Applicant also argues that it would not be obvious to combine Bronner with the applied references because Bronner does not teach or suggest a via formed on the metal conductor, and filled with a diffusion barrier as amended.

This argument is not persuasive because the new reference issued to Lee et al

10/080,568

YOR919980324US2

clearly suggests a via formed on the metal conductor and filled with a diffusion barrier material. Bronner is only relied on for showing that it was known to form a diode as a single crystal Si diode for providing high conductivity, high rectification and low total resistance (column 3, lines 1-4).

First, Appellant would point out that claims 13-14 and 17 depend (directly or indirectly from claim 11 which recites "*a via which is filled with a diffusion barrier material, said diffusion barrier material extending between said metal conductor and a node in said plurality of nodes and electrically connecting said metal conductor with said node*" and "*an upper layer of dielectric material disposed with a lower surface thereof in contact with and bonded to said upper surface of said lower layer*". Similarly, claims 27 and 30-31 depend (directly or indirectly) from claim 26 which recites "*a conductive via which is filled with a diffusion barrier material formed on said metal conductor*" and "*a second dielectric layer having a lower surface which is bonded to an upper surface of said first dielectric layer*"

As noted above, neither Durlam, nor Lee teach or suggest these novel features. Likewise Bronner does not teach or suggest these novel features and therefore, does not make up for the deficiencies of Durlam and Lee.

Specifically, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law.

Appellant respectfully submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

Bronner discloses a magneto-resistive memory cell which includes a substrate, monocrystalline diode formed in the substrate, a first conductor in the substrate and a second conductor formed above a magnetic tunnel junction formed on the diode (Bronner at Abstract).

Appellant submits that Durlam, Lee and Bronner are directed to different matters and, therefore, would not have been combined as alleged by the Examiner. Indeed, the Durlam device is merely intended to prevent a magnetic memory element from thermal degradation during fabrication (Durlam at col. 1, lines 61-64), Lee is directed to a process of fabricating a

10/080,568
YOR919980324US2

memory cell which can reduce a step height between the cell array region and the peripheral circuit region (Lee at col. 4, lines 12-16), whereas Bronner is intended to minimize the resistance of a diode in a memory cell (Bronner at col. 3, lines 3-4). Clearly, no person of ordinary skill in the art would have considered combining these references.

Further, Appellant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner. Indeed, the Examiner supports the combination by merely stating that "[i]t would have been obvious to form Durlam's diodes as single crystal Si diodes because according to Bronner, such single crystal Si diodes ... would provide high conductivity, high rectification, and low total resistance" which is insufficient to support the combination.

Moreover, neither Durlam, nor Lee, nor Bronner, nor any alleged combination thereof, teaches or suggests *"a via which is filled with a diffusion barrier material, said diffusion barrier material extending between said metal conductor and a node in said plurality of nodes and electrically connecting said metal conductor with said node"*, as recited, for example, in claim 11 and similarly recited in claims 26 and 38.

As noted above, conventional devices such as that shown in Figure 17 of Durlam suffer severe problems. Namely, the metal conductor reacts with the semiconductor node, thereby making the devices unreliable.

Clearly, Bronner does not teach or suggest these novel features. Indeed, Bronner does not even discuss at least one of the problems (e.g., reaction between a semiconductor node and a metal conductor (e.g., a word line)) which the claimed invention was intended to address.

Further, Applicant notes that the Examiner merely relies on Bronner as allegedly disclosing a single crystal Si diode. That is, the Examiner is not relying on Bronner as disclosing the novel features of the claimed invention.

In addition, Bronner merely discloses a diode 514 which is in the shape of a V-groove formed in an insulation layer 100. A metal conductor 525 is formed on the diode 514 and an oxide layer 530 is formed on the metal conductor 525 (Bronner at Figure 5B). This structure is completely unrelated to the claimed invention.

Therefore, Bronner clearly does not teach or suggest a via formed on the metal

10/080,568
YOR919980324US2

conductor and filled with a diffusion barrier material which extends between the metal conductor and a node in the plurality of nodes and electrically connects the metal conductor with the node or an upper layer of dielectric material disposed with a lower surface thereof in contact with and bonded to the upper surface of the lower layer Thus, Bronner clearly does not make up for the deficiencies of Durlam and Lee.

Therefore, Appellant submits that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention

Therefore, the Board is respectfully requested to withdraw this rejection of claims 13-14, 17, 27 and 30-31.

1. Dependent Claim 13

In addition, claim 13 depends from claim 11 and further recites "*wherein said semiconductor material comprises oriented single crystal grain, monocrystalline semiconductor material, and each of said nodes comprises a diode*". This feature is discussed in the present Application at page 7, lines 3-10.

The Examiner alleges that Bronner teaches this feature at col. 3, lines 1-4.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 13. Therefore, the Board is respectfully requested to withdraw this rejection.

2. Dependent Claim 14

Claim 14 depends from claim 13 and further recites "*wherein said microelectronic elements comprise magnetoresistive memory elements each comprising a said diode and an MTJ structure*". This feature is discussed in the present Application at page 7, lines 8-10.

The Examiner does not clearly specify where the cited references teach or suggest this feature.

39

10/080,568
YOR919980324US2

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 14. Therefore, the Board is respectfully requested to withdraw this rejection.

3. Dependent Claim 17

Claim 17 depends from claim 13 and further recites "*wherein said oriented single crystal grain semiconductor material is oriented in the <100> orientation*". This feature is discussed in the present Application at page 7, lines 3-7.

The Examiner does not clearly specify where the cited references teach or suggest this feature.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 17. Therefore, the Board is respectfully requested to withdraw this rejection.

4. Dependent Claim 27

Claim 27 depends from claim 26 and further recites "*wherein said plurality of semiconductor nodes comprises a plurality of monocrystalline semiconductor diodes*". This feature is discussed in the present Application at page 7, lines 3-7.

The Examiner does not clearly specify where the cited references teach or suggest this feature.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest

40

10/080,568

YOR919980324US2

each and every element of the claimed invention as recited in claim 27. Therefore, the Board is respectfully requested to withdraw this rejection.

5. Dependent Claim 30

Claim 30 depends from claim 27 and further recites *"further comprising: a plurality of magnetic tunnel junction (MTJ) elements, each MTJ element in electrical contact with a diode in said plurality of monocrystalline semiconductor diodes"*. This feature is discussed in the present Application at page 9, lines 11-17.

The Examiner does not clearly specify where the cited references teach or suggest this feature.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 30. Therefore, the Board is respectfully requested to withdraw this rejection.

5. Dependent Claim 31

Claim 31 depends from claim 30 and further recites *"wherein each said MTJ element and each said diode combine to form a memory element"*. This feature is discussed in the present Application at page 9, lines 11-17.

The Examiner does not clearly specify where the cited references teach or suggest this feature.

However, Appellant respectfully submits that the Examiner's position is flawed as a matter of fact and as a matter of law. Specifically, nowhere does the cited passage teach or suggest this feature.

Therefore, Appellant respectfully submits that Lee clearly does not teach or suggest each and every element of the claimed invention as recited in claim 31. Therefore, the Board is respectfully requested to withdraw this rejection.

Therefore, in short, the dependent claims of the present Application define elements

41

10/080,568
YOR919980324US2

and limitations which further place the claimed invention squarely in the realm of statutory subject matter and which provide a useful, tangible and concrete result.

Therefore, dependent claims like independent claims 11, 26 and 38, include at least one element which is not taught or suggested by the cited references, or any combination of the cited references.

In view of all of the foregoing, Appellant respectfully submits that the Examiner's rejections are erroneous as a matter of fact and law

VIII. CONCLUSION

In view of the foregoing, Appellant submits that claims 11-18, 26-31, 33-43, all the claims presently pending in the application, are patentably distinct from the prior art of record and in condition for allowance. Thus, the Board is respectfully requested to remove the rejections of claims 11-18, 26-31, 33-43.

Please charge any deficiencies and/or credit any overpayments necessary to enter this paper to Assignee's Deposit Account number 50-0510.

Dated: 8/15/05

Respectfully submitted,



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10/080,568
YOR919980324US2

CLAIMS APPENDIX

11. An array of microelectronic elements comprising:
a substrate of semiconductor material;
a lower layer of dielectric material disposed with a lower surface in contact with said substrate and an upper surface in spaced adjacency thereto;
a pattern of mutually electrically isolated conducting regions disposed within said lower layer of dielectric material, said conducting regions extending to said upper surface of said lower layer;
an upper layer of dielectric material disposed with a lower surface thereof in contact with and bonded to said upper surface of said lower layer; and
a plurality of nodes of semiconductor material disposed within said upper layer of dielectric material, each of said nodes being in electrical contact with only one of said conducting regions at said upper surface of said lower layer,
wherein each conducting region comprises:
a metal conductor; and
a via which is filled with a diffusion barrier material, said diffusion barrier material extending between said metal conductor and a node in said plurality of nodes and electrically connecting said metal conductor with said node.
12. An array as set forth in claim 11, wherein each of said nodes comprises a semiconductor device.
13. An array as set forth in claim 11, wherein said semiconductor material comprises oriented single crystal grain, monocrystalline semiconductor material, and each of said nodes comprises a diode.
14. An array as set forth in claim 13, wherein said microelectronic elements comprise magnetoresistive memory elements each comprising a said diode and an MTJ structure.

43

10/080,568

YOR919980324US2

15. An array as set forth in claim 12, wherein said semiconductor device comprises a field effect transistor.

16. An array as set forth in claim 15, wherein a first insulating layer is disposed over an upper surface of said upper layer and a second insulating layer is formed over said upper surface of said lower layer.

17. An array as set forth in claim 13, wherein said oriented single crystal grain semiconductor material is oriented in the <100> orientation.

18. An array as set forth in claim 11, wherein said electrically conducting material comprises at least one of W, Ti, and Ta.

26. A microelectronic element array comprising:
a semiconductor substrate;
a first dielectric layer formed on said substrate;
a plurality of electrically isolated conductive regions disposed within said first dielectric layer, each conductive region comprising:
a metal conductor; and
a conductive via which is filled with a diffusion barrier material formed on said metal conductor;
a second dielectric layer having a lower surface which is bonded to an upper surface of said first dielectric layer; and
a plurality of semiconductor nodes formed in said second dielectric layer, each semiconductor node contacting said conductive via and being electrically connected to said metal conductor by said conductive via,
wherein said diffusion barrier material extends between said metal conductor and a node in said plurality of nodes.

27. The array according to claim 26, wherein said plurality of semiconductor nodes

44

10/080,568
YOR919980324US2

comprises a plurality of monocrystalline semiconductor diodes.

28. The array according to claim 26, wherein each conductive region extends from said substrate to said upper surface of said first dielectric layer.
29. The array according to claim 26, wherein each conductive region further comprises a word line, said via being formed on said word line.
30. The array according to claim 27, further comprising:
a plurality of magnetic tunnel junction (MTJ) elements, each MTJ element in electrical contact with a diode in said plurality of monocrystalline semiconductor diodes.
31. The array according to claim 30, wherein each said MTJ element and each said diode combine to form a memory element.
33. The array according to claim 26, wherein said via includes therein at least one of W, Ti, and Ta.
34. The array according to claim 26, wherein each said conductive region further comprises a metal layer in electrical contact with said via, said metal layer being formed of a different material than said via.
35. The array according to claim 29, wherein said via includes therein a refractory metal and said word line comprises one of copper and aluminum.
36. The array as set forth in claim 11, further comprising:
a bonding promoting layer formed on said lower layer of dielectric material, said bonding promoting layer bonding said lower surface of said upper layer of dielectric material to said upper surface of said lower layer,

45

10/080,568

YOR919980324US2

37. The array as set forth in claim 36, wherein said bonding promoting layer comprises a glass layer having a softening temperature in a range of 400°C to 500°C.

38. A microelectronic element array comprising:
a first dielectric layer formed on a substrate;
at least one electrically isolated conductive region formed in said first dielectric layer,
said at least one conductive region comprising:
a metal conductor; and
a conductive via which is filled with a diffusion barrier material formed on
said metal conductor;
a second dielectric layer which is bonded to said first dielectric layer; and
at least one semiconductor node formed in said second dielectric layer, said at least
one semiconductor node being formed on and contacting said at least one conductive region,
wherein said diffusion barrier material extends between said metal conductor and said
at least one semiconductor node and electrically connects said metal conductor to said at least
one semiconductor node.

39. The array as set forth in claim 11, wherein said via comprises an area which is less
than an area of said metal conductor.

40. The array as set forth in claim 11, wherein said diffusion barrier material comprises
one of TiN, TaN and a TaSiN ternary alloy.

41. The array as set forth in claim 11, wherein said node which is electrically connected to
said metal conductor is aligned with said via and said metal conductor.

42. The array as set forth in claim 11, wherein said node comprises a semiconductor
diode.

43. The array as set forth in claim 11, wherein said metal conductor and said

46

10/080,568

YOR919980324US2

semiconductor material in said node are separated by said diffusion barrier material.

47

10/080,568

YOR919980324US2

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Appeal Brief was filed by facsimile with the United States Patent and Trademark Office, Examiner Phat X Cao , Group Art Unit # 2814 at fax number 571-272-8300 this 15th day of August, 2005.



Phillip E. Miller

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